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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

a

KENDRICK ARMSTRONG (#02248-265)

DOCKET NO. 13-CV-596; SEC. P

VERSUS

JUDGE JAMES T. TRIMBLE JR.

FCI POLLOCK, ET AL.

MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION

Before the Court is the *pro se* complaint of Plaintiff Kendrick Armstrong, filed pursuant to Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics¹ and the Federal Tort Claims Act² (FTCA) on March 21, 2013. [Doc. #1] The case was transferred from the Shreveport Division to this Division on May 2, 2013 [Doc. #5], and Plaintiff was granted leave to proceed in forma pauperis on July 24, 2013. [Doc. #14]

On October 21, 2013, it was recommended that Plaintiff's FTCA claim be denied and dismissed for lack of jurisdiction and that his Bivens claim be denied and dismissed with prejudice as frivolous. [Doc. #16] On January 13, 2014, the recommendation was adopted in part, and Plaintiff's FTCA claim was denied and dismissed with prejudice. Plaintiff was ordered to amend his Bivens claim within thirty (30) days of January 13, 2014, or the Bivens claim would be

¹In Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), the Supreme Court recognized that certain circumstances may give rise to a private cause of action against federal officials that is comparable to the statutory cause of action permitted against state officials by 42 U.S.C.A. § 1983.

²28 U.S.C. §§ 1346 and 2671.

dismissed, as well. Well over ninety (90) days has passed, and Petitioner has failed to comply with the order of the District Judge.

Because Plaintiff has failed to amend his complaint in accordance with the Judgment and Order of the District Judge, the recommendation of the undersigned has not changed. Therefore, **IT IS RECOMMENDED** that Plaintiff's Bivens claim be **DENIED AND DISMISSED with prejudice** as frivolous for the reasons provided in the Report and Recommendation of October 21, 2013 [Doc. #16].

Objections

Under the provisions of 28 U.S.C. §636(b)(1)(c) and Fed.R.Civ.P. 72(b), the parties have fourteen (14) calendar days from service of this Report and Recommendation to file specific, written objections with the clerk of court. No other briefs or responses (such as supplemental objections, reply briefs etc.) may be filed. Providing a courtesy copy of the objection to the magistrate judge is neither required nor encouraged. Timely objections will be considered by the district judge before he makes his final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT UPON GROUNDS OF PLAIN ERROR, FROM

ATTACKING ON APPEAL THE FACTUAL FINDINGS AND LEGAL CONCLUSIONS
ACCEPTED BY THE DISTRICT JUDGE TO WHICH THE PARTY DID NOT OBJECT.

THUS DONE AND SIGNED at Alexandria, Louisiana, this 28th day
of April, 2014.



JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE